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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/812,073

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Susumu Hisatomi

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EXAMINER

DINH, TAN X

ART UNIT

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2627

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/812,073	Applicant(s) HISATOMI, SUSUMU	
	Examiner TAN X. DINH	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

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1) Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

2) The I.D.S filed 3/30/2004 has been considered by the Examiner. However, the Japan and/or foreign document(s), if they have not been written in English, are considered to the extent that could be understood from the English Abstract and the drawings.

Form PTO-1449 or PTO/SB/08 is(are) attached herein.

3) Claims 6,12 and 18 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

4) Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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The phrase " the driving force " and " the same driving force " (claims 1-18) is unclear and cannot be understood. Where are these driving force come from ?.

The phrase " the member " (claim 1, line 31) lacks clear antecedent basis. No " the member " has been previously recited in the claim and therefore the limitation cannot be understood.

The phrase " the other state " (claims 5,11,13 and 17) render(s) the claim(s) indefinite since it was not clear what applicant intended to cover by the recitation " the other state " beside ON and OFF states.

The phrase "capable of " (claim 7, line 14) renders the claim(s) indefinite. The phrase "capable of " refers to the potential of the device to function in a prescribed manner. That the device merely could function in a certain manner leaves in doubt whether the claim(s) actually encompasses such a function.

The phrase " to control the same " (claims 1 and 13) is unclear and cannot be understood.

Claim(s) 2-6,8-12 and 14-18 incorporate the indefiniteness of claim(s) 1,7 and 13 by virtue of their dependency thereon.

5) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections

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under this section made in this Office action:

A person shall be entitled to a patent unless -

6) (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7) Claims 1,6,7,12,13 and 18, as understood by the meaning of 112, 2nd above, are rejected under 35 U.S.C. 102(b) as being anticipated by WATANABE et al (5,862,116).

WATANABE et al discloses a disk loading device, as claimed in claim 1, comprising:

a tray driving mechanism configured to move a tray capable of placing a disk thereon between a position taken out from a cabinet and a position stored in the cabinet according to the driving force applied from the outside (Fig.19, tray 202);

a disk driving section driving mechanism configured to move a disk driving section to mount, rotate and drive the disk placed on the tray stored in the cabinet between a position for mounting the disk and a position for detaching the disk according to the driving force applied from the outside (Fig.12, the optical disc is moved in direction A1 and A2 during loading and reproducing processes);

a head driving mechanism which is moved together with the disk driving section by the disk driving section driving mechanism, and

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configured to move a head in the diameter direction of the disk mounted in the disk driving section according to the driving force applied from the outside (Fig.13, optical head is move in direction B1 and B2; Fig.14, optical head is move in direction A2 and A1);

a controlling mechanism which is engaged selectively with the tray driving mechanism, the disk driving section driving mechanism, and the head driving mechanism, and configured to successively move the tray, the disk driving section and the head in this order or in the opposite order by selectively applying the driving force from the same driving source to each driving mechanism (Fig.16, 138; Fig.19, rail 218 moves the tray 202); and

a switch driving mechanism configured to control the switch in either of the on and off states in a state with the tray reach at the pulling out reference position from the cabinet according to the contact or detachment of the member interlocked with the operation of the controlling mechanism, and to control the same in the other of the on and off states with the head reach at the reference position for recording or reproduction with respect to the disk (Fig.19, switch 212).

As to claims 6,12 and 18, WATANABE et al shows slide cam to be engaged with tray driving mechanism for controlling the moving of

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tray driving mechanism, disc driving section and head section (Fig.20, slide 217).

Claims 7 and 13 are rejected with the same reasons set forth in claim 1 above.

8) Claims 2-5, 8-11 and 14-17 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

9) The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Applicant is reminded that in amending in response to a rejection of claims (if the rejection involves with any applicable arts), the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objection made. Applicant must also show how the amendments avoid such references and objections. See 37 CFR §1.111(c).

Form PTO-892 is attached herein.


10) Any inquiry concerning this communication or earlier communications from the examiner should be directed to TAN XUAN

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DINH whose telephone number is (571)272-7586. The examiner can normally be reached on MONDAY to FRIDAY from 9:00AM to 5:00PM.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov/>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



TAN DINH
PRIMARY EXAMINER
June 21, 2007